

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DENTON HOYT, JOSEPH B. ORTWERTH, CHARLES R.
KREYE, COLE A. BIRKEL, CHAD DOYLE, KRISTINE
DEISS, SEAN M. FUNK, PHILIP HALVERSON, JEFFREY
ERNEST HINES, BRENT M. HOWE, LANCE HOVE,
JAMES T. KOEHLER, KENNETH KILMER, DOUGLAS W.
MCCLUSKEY, JIM MCCOY, GARY NELSON, GREGORY B.
NELSON, CHRISTOPHER O'CONNELL, STEVEN M. RITCHIE,
BRIAN J. WISKERCHEN and PHILLIP WOODING,

Plaintiffs,

ORDER
07-cv-386-jcs

v.

ELLSWORTH COOPERATIVE CREAMERY,

Defendant.

Plaintiffs' motion to compel discovery concerning (1) the backs of time cards for hourly production employees for the period of time from July 2004 to present and (2) time cards for hourly production employees for the period of time between September 30, 2007 and the present, came to be heard by telephone in the above entitled matter on January 2, 2007 the plaintiff having appeared by Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman by Nathan D. Eisenberg; defendant by Weld, Riley, Prenn & Ricci by Thomas J. Misfeldt. Honorable John C. Shabaz, District Judge, presided.

Federal Rule of Civil Procedure 26(b)(1) permits parties to obtain discovery that appears reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' requests are reasonably calculated to lead to the discovery of admissible evidence in satisfaction of Rule 26(b)(1). Furthermore, plaintiffs made reasonable good faith efforts to obtain the requested discovery in the least burdensome manner possible (e.g., offering to inspect the time cards on sight instead of copying the backs of

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all time cards). However, defendant has continued to avoid providing the requested discovery.

Accordingly,

ORDER

IT IS ORDERED that plaintiffs' motion to compel defendant to provide discovery of both the backs of time cards from July 2004 and supplemental time cards after September 30, 2007 is GRANTED and defendant is to provide the requested discovery forthwith and immediately.

IT IS FURTHER ORDERED in accordance with Federal Rule of Civil Procedure 37(a)(4)(A) that defendant pay plaintiffs' reasonable attorney's fees and costs associated with bringing this motion.

Entered this 2nd day of January, 2008.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge